

For prosecution in this application, Applicant hereby elects the invention of Group I, claims 1-11, with traverse. This action is without prejudice to Applicant's right to pursue the subject matter of the non-elected claims in related applications. The restriction/election requirement is traversed because claim 1 as amended is believed to be patentable over both references. The claim is amended to explicitly incorporate the definition of the term "aqueous colloidal dispersion" from page 4 of the specification, and now recites, in part, "an aqueous colloidal dispersion comprising from 20 to 50% by weight silica particles having a diameter of between 10 and 40 nanometers and a specific surface area greater than 80 m<sup>2</sup>/g". Neither Heller nor Marasawa disclose a composition containing a photocatalyzing agent and a silica binder of the specified particle size and surface area, and there is no motivation or suggestion in either reference to limit the silica binder to the claimed range of particle size, specific surface area, and concentration. Further, as noted on page 5, lines 22-24, Applicants have unexpectedly discovered that a silica concentration of 20%-50% in the dispersion results in superior adhesion to substrates coated with the composition. Therefore, Applicants submit that the claims as amended now relate to a single general inventive concept under PCT Rule 13.1 and have the same or corresponding special technical features under Rule 13.2, the photocatalytic composition of claim 1. Accordingly, Applicants respectfully request the removal of the restriction/election requirement.

***Respectfully submitted,***

---

Mary Louise Gioeni  
Attorney for Applicant  
Registration No. 41,779

Dated: April 22, 2002

**HESLIN ROTHENBERG FARLEY & MESITI, P.C.**  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579

**"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

1. **(Amended)** A photocatalytic composition comprising at least one photocatalyzing agent and [at least one inorganic binder, characterized in that wherein the inorganic binder comprises] an aqueous colloidal dispersion comprising from 20 to 50% by weight silica particles having a diameter of between 10 and 40 nanometers and a specific surface area greater than 80 m<sup>2</sup>/g, said silica particles being capable of bonding together after having coated the photocatalyzing agent.